UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1996/40
30 April 1996

ORIGINAL : ENGLISH

Substantive session of 1996

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith the twenty-first report of the International Labour Organisation under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with the Economic and Social Council resolution 1988 (LX).

GE.96-16288

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PART I

Introduction

The present report has been established according to the arrangements approved by the Governing Body of the International Labour Office[1] to give effect to resolution 1988 (LX) of 11 May 1976 of the United Nations Economic and Social Council requesting specialised agencies to submit reports in accordance with Article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. According to these arrangements, the International Labour Office is entrusted with the task of communicating to the United Nations, for presentation to the Committee on Economic, Social and Cultural Rights, information on the results of the operation of various ILO supervisory procedures in the fields covered by the Covenant. It should remain open for the Committee of Experts on the Application of Conventions and Recommendations to report on particular situations whenever it deems this desirable or when specifically requested to do so by the Committee on Economic, Social and Cultural Rights.

The report will follow the approach adopted since 1985, and will contain in Part II: (a) indications concerning the principal ILO Conventions relevant to Articles 6-10 and 13 of the Covenant; and (b) indications concerning ratifications of these Conventions and comments made by ILO supervisory bodies with regard to the application of these Conventions by the States concerned (in so far as the points at issue appear to have a bearing also on the provisions of the Covenant). The latter indications are based mainly on the comments of the Committee of Experts resulting from its examination of the reports on the Conventions in question. Account was also taken of the conclusions and recommendations adopted under constitutional procedures for the examination of representations or complaints and, in the case of Article 8 of the Covenant, of the conclusions and recommendations of the Committee on Freedom of Association of the ILO Governing Body following examination of complaints alleging violation of trade union rights.[2]

The list of countries for which information has been provided in the present report appears in the table of contents. A recapitulatory list of States Parties to the Covenant and of ILO reports containing information concerning them will be found in the Annex.

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[1] Decisions of the Governing Body at its 201st Session (November 1976) and at its 236th Session (May 1987).

[2] Information on the procedures and machinery for the implementation of ILO standards, including the operation of its supervisory bodies, can be found in UN Action in the Field of Human Rights (United Nations publication, New York, 1988, Sales No. E.88 XIV.2), Chapter XIV, section D.1. Further information can be found in a document submitted to the World Conference on Human Rights, published as UN document A/CONF.157/PC/6/Add.3.

PART II

A. Principal ILO Conventions relevant to Articles 6-10 of the Covenant

The following is a list of the principal ILO Conventions relevant to each of Articles 6-10 and 13 of the Covenant.[3] Indications on the ratification of these Conventions by each State concerned are given in section B of this part (indications concerning the situation of individual countries).

Article 6 of the Covenant

Unemployment Convention, 1919 (No. 2)
Forced Labour Convention, 1930 (No. 29)
Fee-Charging Employment Agencies Convention, 1933 (No. 34)
Employment Service Convention, 1948 (No. 88)
Fee-Charging Employment Agencies Convention, 1949 (No. 96)
Abolition of Forced Labour Convention, 1957 (No. 105)
Indigenous and Tribal Populations Convention, 1957 (No. 107)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)
Employment Policy Convention, 1964 (No. 122)
Paid Educational Leave Convention, 1974 (No. 140)
Human Resources Development Convention, 1975 (No. 142)
Workers with Family Responsibilities Convention, 1981 (No. 156)
Termination of Employment Convention, 1982 (No. 158)
Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
Employment Promotion and Protection Against Unemployment Convention, 1988 (No. 168), Part II.
Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Article 7 of the Covenant

Remuneration

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
Minimum Wage-Fixing Machinery Convention, 1970 (No. 131)

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[3] There are, in addition, particularly for Articles 7 and 9, a number of Conventions dealing with corresponding matters in particular occupational sectors (e.g. road transport, seafarers, fishermen, dock workers, plantation workers, nursing personnel) or with particular categories of workers (e.g. migrant workers, workers in non-metropolitan territories). These Conventions are not included in the present list but are taken into account in the indications concerning the situation in individual countries.

Equal remuneration

Equal Remuneration Convention, 1951 (No. 100)

Rest, limitation of working hours and holidays with pay

Hours of Work (Industry) Convention, 1919 (No. 1)
Weekly Rest (Industry) Convention, 1921 (No. 14)
Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
Forty-Hour Week Convention, 1935 (No. 47)
Holidays with Pay Convention, 1936 (No. 52)
Holidays with Pay (Agriculture) Convention, 1952 (No. 101)
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
Holidays with Pay Convention (Revised), 1970 (No. 132)
Part-time Work Convention, 1994 (No. 175)

Safe and healthy working conditions

White Lead (Painting) Convention, 1921 (No. 13)
Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
Protection Against Accidents (Dockers) Convention, 1929 (No. 28)
Protection Against Accidents (Dockers) Convention, 1932 (No. 32)
Safety Provisions (Building) Convention, 1937 (No. 62)
Labour Inspection Convention, 1947 (No. 81)
Radiation Protection Convention, 1960 (No. 115)
Guarding of Machinery Convention, 1963 (No. 119)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Maximum Weight Convention, 1967 (No. 127)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Benzene Convention, 1971 (No. 136)
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
Occupational Safety and Health Convention, 1981 (No. 155)
Occupational Health Services Convention, 1985 (No. 161)
Asbestos Convention, 1986 (No. 162)
Safety and Health in Construction Convention, 1988 (No. 167)
Chemicals Convention, 1990 (No. 170)
Night Work Convention, 1990 (No. 171)

Article 8 of the Covenant

Right of Association (Agriculture) Convention, 1921 (No. 11)

Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
Workers' Representatives Convention, 1971 (No. 135)
Rural Workers' Organizations Convention, 1975 (No. 141)
Labour Relations (Public Service) Convention, 1978 (No. 151)
Collective Bargaining Convention, 1981 (No. 154)

Article 9 of the Covenant

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Sickness Insurance (Industry) Convention, 1927 (No. 24)
Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)
Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)
Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)
Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39)
Survivors' Insurance (Agriculture) Convention, 1933 (No. 40)
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
Unemployment Provisions Convention, 1934 (No. 44)
Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
Social Security (Minimum Standards) Convention, 1952 (No. 102)
Equality of Treatment (Social Security) Convention, 1962 (No. 118)
Employment Injury Benefits Convention, 1964 (No. 121)
Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)
Medical Care and Sickness Benefits Convention, 1969 (No. 130)
Maintenance of Social Security Rights Convention, 1982 (No. 157)
Employment Promotion and Protection Against Unemployment, 1988 (No. 168)

Article 10 of the Covenant

(a) Maternity protection (re paragraph 2)

Maternity Protection Convention, 1919 (No. 3)
Maternity Protection Convention (Revised), 1952 (No. 103)

(b) Protection of children and young persons in relation to employment and work (re paragraph 3)

Minimum Age (Industry) Convention, 1919 (No. 5)
Minimum Age (Sea) Convention, 1920 (No. 7)

Minimum Age (Agriculture) Convention, 1921 (No. 10)
Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
Minimum Age (Fishermen) Convention, 1959 (No. 112)
Social Policy (Basic Aims and Standards) Convention, 1952 (No. 117)
Minimum Age (Underground Work) Convention, 1965 (No. 123)
Minimum Age Convention, 1973 (No. 138)
Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
Night Work (Bakeries) Convention, 1925 (No. 20)
Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
White Lead (Painting) Convention, 1921 (No. 13) (Article 3)
Radiation Protection Convention, 1960 (No. 115) (Article 7)
Maximum Weight Convention, 1967 (No. 127) (Article 7)
Benzene Convention, 1971 (No. 136) (Article 11)
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
Medical Examination (Seafarers) Convention, 1946 (No. 73)
Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
Medical Examination (Fishermen) Convention, 1959 (No. 113)
Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

Article 13 of the Covenant

Human Resources Development Convention, 1975 (No. 142)

B. Indications concerning the situation of individual countries

For each Article of the Covenant under consideration, these indications show the state of the ratifications of the corresponding Conventions by the country in question, and references to the relevant comments of the supervisory bodies with regard to the application of these Conventions. Full copies of the comments of the Committee of Experts are appended (in English, French and Spanish), and should be consulted for further details.

The absence of any such references signifies either that there are no comments at the present time regarding the application of a particular Convention, or that the comments that have been made deal with points not relating to the provisions of the Covenant or to matters (for example, simple requests for information) which it would not appear to be necessary to deal with at this stage, or again that the government's reply concerning the application of a Convention on which comments had been made has not yet been examined by the Committee of Experts.

When references are made to the "observations" of the Committee of Experts, their texts are published in the report of the Committee for the same year (Report III (Part 4A) of the corresponding session of the International Labour Conference). In addition, comments have been formulated in requests for information addressed directly by the Committee of Experts to the governments in question; such comments are not published but the text is made available to the interested parties.

Finally, it should be noted that exceptionally two sessions of the Committee of Experts were held in 1995, in March and in November-December. Indications are given in the text as to whic of the two sessions is concerned, if relevant.

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EL SALVADOR

Information concerning El Salvador was been supplied for the first time in 1995.

The following relevant Conventions have been ratified and are in force for El Salvador (for full names see the list of Conventions in Part II A above): 12, 29, 77, 78, 81, 88, 99, 105, 107, 111, 122, 129, 131, 141, 142 and 159.

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Article 6

In its 1995 (Nov.-Dec.) observation on the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts expressed the hope that the Government will take the necessary steps to bring the national legislation into conformity with the Convention, either by repealing a series of dispositions in the Penal Code that allow the imposition of penalties involving compulsory labour, or by exempting from prison labour persons who are sentenced for political offences and who have not committed acts of violence, or persons sentenced for participating in strikes or for breaches of labour discipline.

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The Committee of Experts also addressed a direct request to the Government in (Feb.-Mar.)1995 on the Indigenous and Tribal Populations Convention, 1957 (No. 107).

GUATEMALA

Information concerning Guatemala was supplied for the first time in 1995.

The following relevant Conventions have been ratified and are in force for Guatemala (for full names see list of Conventions in Part II A above): Nos. 1, 11, 13, 14, 16, 19, 26, 29, 30, 58, 59, 77, 78, 79, 81, 87, 88, 90, 96, 98, 99, 100, 101, 103, 105, 106, 111, 112, 113, 117, 118, 119, 120, 122, 124, 127, 129, 131, 138, 141, 156, 159, 161, 162 and 167.

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Article 6

In its 1995 (Nov.-Dec.) observation on the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts noted the information supplied by the Government concerning the repeal of certain provisions of the 1963 Legislative Decree under which sentences of imprisonment with the obligation to work could be imposed as punishment for expressing certain political opinions, as a measure of labour discipline or for participation in strikes. It asked for a copy of the repealing text and suggested ways of bringing other aspects of the legislation into harmony with the Convention. Noting that the matter had been under discussion for more than ten years, it hoped that the Government would take the measures necessary to bring the national legislation into conformity with the Convention on this point.

In 1994, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) and the Public Services International (PSI) presented a representation against the Government under article 24 of the ILO Constitution, alleging non-observance of Conventions Nos. 29 and 105. The Governing Body has set up a tripartite committee to examine the representation.

In its 1995 (Nov.-Dec.) observation on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts noted the Government's position concerning the discriminatory nature of a provision of the Civil Code which regulates the manner in which a husband may oppose his wife's employment provided he earns enough to maintain the household. It urged the Government to take the necessary steps to repeal provisions which are inconsistent with the policy of equal opportunity.

Guatemala has not yet ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169), though ratification has been unanimously approved in the national legislature.

However, the ILO has been assisting United Nations negotiators in establishing a peace agreement between the Indian rebels and the Government. The agreement that has been signed commits the Government to ratifying and to implementing the Convention. In addition, the ILO is assisting in the conclusion of the next phase of the peace agreement, which concerns the economic and social rights of rural Guatemalans - in practice, indigenous peoples.

Article 7

In its 1995 observation under the Maximum Weight Convention, 1967 (No. 127), the Committee of Experts hoped that regulations to be issued under the Labour Code would be adopted in the near future, and that necessary measures would be taken to ensure compliance with the Convention, either through the draft Agreement concerning maximum loads to be carried, which is being discussed with the social partners, or by any other method.

Article 8

In 1995, the Conference Committee on the Application of Standards discussed the observation made in March 1995 concerning the Freedom of Association and the Protection of the Right to Organize Convention, 1948 (No. 87). It regretted that, despite government assurances, the report due had not been received in time to be examined by the Committee of Experts. Noting that the discrepancies between the national legislation and the Convention had been discussed many times and had been examined during the recent direct contacts missions to the country, it urged the Government to adopt in the very near future the necessary measures to ensure full observance of this fundamental Convention.

In its 1995 (Nov.-Dec.) observation on Convention No. 87, the Committee of Experts noted the June 1995 Conference discussion concerning the incompatibility of several provisions of the Labour Code and the Penal Code with the right of workers' organizations to function freely and to strike, and the six cases pending before the Committee on Freedom of Association of the Governing Body which had been the subject of a direct contacts mission to the country in February 1995. Noting that the Government was soon to convene a meeting of the social partners to analyze the comments with a view to overcoming the divergencies, the Committee of Experts nevertheless noted with concern that no assurance regarding the resolution of these divergencies was forthcoming. It urged the Government to take the necessary measures to guarantee in both law and practice that the provisions of the Convention are fully applied.

At its June 1995 meeting, the Committee on Freedom of Association (CFA) examined six cases *(Nos. 1512, 1539, 1595, 1740, 1778 and 1786)*, presented by a number of international, regional and national workers' organizations alleging violent deaths, disappearances, abduction, assault, arrest of and death threats against trade

unionists, as well as practical acts of anti-union discrimination and non-respect of the legislation penalizing such acts. There was also an allegation concerning non-compliance with the provisions of collective agreements.

These interim cases, which had been examined previously on several occasions, were the subject of a direct contacts mission to the country in February 1995, the report of which is annexed to the CFA's examination of the cases.

The Committee deeply regretted the violent deaths, and recalling the commitment of the Attorney-General to open investigations into all cases presented to the CFA, requested to be kept informed of the judicial inquiries. Believing that the judicial processes should be accelerated and made more effective, it requested the Government to take measures to amend the legislation so as to increase the number of courts. It requested the Government to take as rapidly as possible the necessary measures to enable the trade union officials and members who had been dismissed because of their union activities to be reinstated, and to apply the corresponding legal sanctions to the enterprises involved. The CFA also requested a large amount of further information - including more details from the complainants - and wished to be kept informed of developments in various judicial proceedings relevant to the cases. It offered the ILO's technical assistance to the Government with respect to all of the matters raised in the cases.

The Government sent partial information, which was noted by the CFA at its November 1995 meeting, together with a request that full details be sent without delay so that the CFA could examine the cases.

At its November 1995 meeting, the CFA reached interim conclusions in *Case No. 1823*, presented by the Trade Union of Workers of the General Labour Inspectorate (STIGT) in February 1995, alleging the refusal by the authorities to grant legal personality to a trade union in the process of being set up and anti-union discrimination against 18 labour inspectors who had founded the union. The Committee considered that the denial of the right to organize of workers in the labour inspectorate constituted a violation of Convention No. 87 and urged the Government to grant legal personality to the complainant union. It requested the Government, in consultation with the inspectors who had been forced to undergo a change in their functions, to review that change.

At its November 1995 meeting, the CFA also noted a new case (No. 1847) presented by the Latin American Central of Workers (CLAT) against the Government concerning acts of violence against unionists..

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The Committee of Experts furthermore addressed direct requests to the Government in 1993 on Conventions Nos. 1 and 30, in 1994 on Conventions Nos. 26, 81, 88 and 99, and in 1995 (Feb.-Mar.) on Conventions Nos. 11, 59, 100, 103, 111, 117, 124, 122, 131, 138 and 141.

GUINEA

Information concerning Guinea has not been supplied previously.

The following relevant Conventions have been ratified and are in force for Guinea (for full name see the list of Conventions in Part II A above): Conventions Nos. 3, 5, 6, 10, 11, 13, 14, 16, 17, 18, 26, 29, 52, 62, 81, 87, 98, 99, 100, 105, 111, 115, 117, 118, 119, 120, 121, 122,136, 142, 148, 151and 152.

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Article 6

In its 1995 (Nov.- Dec.) observation on the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts noted that the Government reaffirms its political will to achieve the progressive harmonization of all the texts which are not in conformity with the Convention. The Committee hoped that the Government will soon report the progress achieved in bringing the texts which have been the subject of its comments into conformity with the Convention, including a number of sections of the Penal Code and Ordinance No. 52 of 1959 laying down compulsory service, which may be of a military or non-military nature, for all male citizens.

In its 1995 (Nov.-Dec.) observation on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts once again requested the Government to provide the texts of codes, decrees, orders, decisions and collective agreements which, according to the previous Government's previous statment, are currently being harmonized with the Fundamental Act and the Convention.

Article 7

In its 1993 Observation on the Minimum Wage Fixing Machinery Convention, 1928 (No. 26), the Committee of Experts noted the comments made by the General Union of Workers of Guinea (UGTG) - as well as the Goverment's reply - concerning wage scales for public sector employees. The Committee asked the Government to provide detailed information on the application of the minimum wage-fixing machinery provided for in the new Labour Code, particularly as regards consultation and participation of employers' and workers' organizations in equal numbers and equal terms, and the results of the application of this machinery in accordance with the Convention.

In its 1995 (Nov.- Dec.) observation on the Labour Inspection Convention, 1947 (No. 81), the Committee of Experts requested the Government to provide additional information on the proportion of the work of labour inspectors relating to conciliation and the calculation of severance payments, in relation to the overall duties entrusted to them, so that the Committee can make a better assessment of the situation, in accordance with Article 3 of the Convention. The Committee also requested the Government to provide detailed information on the status and terms and conditions of employment of labour inspectors, which would enable it to assess the independence and impartiality of labour inspectors in the discharge of their duties.

In the comments that it has been making for many years and most recently in its 1995 (Nov.- Dec.) observation, on the Radiation Protection Convention, 1960 (No. 115), the Committee of Experts noted the Government's intention to adopt regulations to provide protection against ionizing radiations. The Committee hoped that the Government will soon report the provisions which have been adopted and are applicable to all activities involving exposure of workers to ionizing radiations in the course of their work and in the accordance with the dose limits mentioned in its general observation of 1992.

In its 1995 (Feb.- Mar.) observation on the Hygiene (Commerce and Offices) Convention, 1964 (No. 120), the Committee of Experts hoped that the texts necessary to ensure the full application of the provisions of the Convention concerning suitable ventilation, lighting, drinking water, noise and vibrations, will be drafted in the near future in consultation with the representative organizations of workers and employers concerned.

Article 9

In its 1995 (Feb.-Mar.) observation on the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Committee of Experts hoped that it will be possible to adopt in the near future the draft text of the Social Security Code, which was revised with the technical assistance of the ILO and that, when adopted, it will give full effect to Articles 5 and 6 of the Convention.

In its 1995 (Nov.- Dec.) observation on the Employment Injury Benefits Convention, 1964 (No. 121), the Committee of Experts noted with interest the Government's statement that in 1992 the National Social Security Fund together with the National Occupational Medicine Service revised the list of occupational diseases, increasing it from 13 to 29 items, thus aligning it with the list appended to Schedule 1 of the Convention, as amended in 1980. The Committee hoped that the Government's next report will contain stastical information required by the report form adopted by the Governing Body under Articles 19, 20 and 21 of the Convention.

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The Committee of Experts furthermore addressed direct requests to Guinea in 1992 on Convention No. 142, in 1994 on Conventions Nos. 29, 100 and 120, and in 1995 on Convention No. 52.

PARAGUAY

Information concerning Paraguay was supplied for the first time in 1995.

The following relevant Conventions have been ratified and are in force for Paraguay (for full names see list of Conventions in Part II A above): Nos. 1, 11, 14, 26, 29, 30, 52, 59, 60, 77, 78, 79, 81, 87, 90, 98, 99, 100, 101, 105, 106, 111, 115, 117, 119, 120, 122, 123, 124, 159 and 169.

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Article 6

In its 1995 (Feb.-March) observation on the Forced Labour Convention, 1930 (No. 29), the Committee of Experts noted that, regarding the situation of compulsory work under the Prison System Act which had been criticized for 20 years, the Government merely states that "there have been no changes in the situation". It hoped that the Government would not further postpone the taking of measures to ensure compliance with the Convention.

In its 1995 (Nov.- Dec.) observation on the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts noted that the Bill prepared in 1977 which amends section 39 of Act No. 210, under which detainees who have not been convicted and those convicted for political offences which did not involve acts of violence, would be exempt from the obligation to work has not been adopted to date.The Committee hoped the Government will take the necessary measures without delay to ensure respect for the Convention in this matter.

In its 1994 observation on the Indigenous and Tribal Populations Convention, 1957 (No. 107), the Committee of Experts noted that the Government had ratified the more recent Convention, No. 169, and was due to submit a report on that Convention at its next session. It accordingly decided to raise the most urgent issues in a direct request under Convention No. 107 and to examine the further information supplied when the Government's report on Convention No. 169 arrives. (This report has not yet arrived.)

In its 1995 (Nov.- Dec.) observation on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the committee of Experts recalled that section 34 of the Public Employee's Statute (Act No. 200 of 17 July 1970) which states that no public official may engage in activities contrary to public order or to the democratic system established by the national Constitution, might permit discrimination on the basis of political opinion contrary to the Convention. The Committee urged the Government to take the necessary measures to repeal explicitly Act No. 200.

Article 7

In its 1994 observation on the Hours of Work (Industry) Convention, 1919 (No. 1), the Committee of Experts noted with satisfaction that the new 1993 Labour Code repealed previously inconsistent provisions concerning the length of the normal working day.

In its 1994 observation on the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), the Committee of Experts made a cross reference to its observation on Convention No. 1, summarized above.

In its 1995 (Nov.-Dec.) observation on the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Committee of Experts noted the conclusions and recommendations of the tripartite committee set up to examine the representation made, under article 24 of the ILO Constitution, by the Latin American Central of Workers (CLAT), which were approved by the Governing Body of the ILO at its 264th Session (November 1995). The Committee requested the Government to indicate the measures which had been taken or are envisaged to ensure the application of the national legislation so as to guarantee: (i) the participation of representatives of workers and employers in minimum wage-fixing machinery and (ii) the right to receive the minimum rates of wages which have been fixed, which may not be subject to abatement by individual agreement, in accordance with the Convention.

In its 1994 observation on the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts noted with satisfaction the inclusion of the principle of "work of equal value" in the new 1993 Labour Code, but asked the Government to indicate how other components of remuneration, apart from wages, are covered.

In its 1994 observation on the Hygiene (Commerce and Offices) Convention, 1964 (No. 120), the Committee of Experts noted that a draft national safety and health Act was before Congress; it trusted that the text would ensure the full application of the Convention and asked to be kept informed of the adoption of the text.

Article 8

In its 1995 (Nov.-Dec.) observation on Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts noted with interest that Decree No. 16769 which restricts free election of trade union representatives,

was declared unconstitutional by the Supreme Court of Justice, and is therefore null and void. The Committee requested the Government to inform it of the adoption of any derogating text. As regards the exclusion of public servants from the scope of the new Labour Code of 1993, the Committee hoped that the new Act for public servants, before the Parliament, would repeal sections 31 and 36 of Act No. 200 which are contrary to the Convention. As regards the requirement of the new Labour Code of a minimum of 300 workers to form industrial unions, the Committee requested the Government once again to take measures, in consultation with its social partners, to amend legislation for the purpose of reducing the minimum number of workers needed to establish a trade union and to allow workers to elect their representatives in full freedom.

In its 1995 (Nov.-Dec) observation on Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts, recalling that the new Labour Code does not contain any provisions protecting workers who are not trade union leaders against acts of anti-union discrimination, and that the penalty for violations of the protection against dismissal of trade union leaders are not sufficiently dissuasive, once again requested the Government to take measures to adapt the legislation to the requirements of the Convention.

In 1993, the International Labour Conference Committee on Standards discussed Paraguay's application of Conventions Nos. 87 and 98, in particular with regard to the right to strike and lock-out, asking the Government to bring its legislation and practice into conformity with Conventions No. 87 and 98, as well as to provide the relevant texts and the agreement signed by the social partners on the right to strike.

There are four cases pending before the Governing Body Committee on Freedom of Association: Case No. 1783 which concerns the murder of a trade unionist and in which the CFA asked to be kept informed of the outcome of the judicial inquiry into the murder (300th Report, November 1995); No. 1790, concerning intrusion into the premises of an employers' association and confiscation of property, where the CFA asked the Government to carry out an inquiry and inform it of the outcome (300th Report, November 1995); and Nos. 1811 and 1816 which concern death threats and dismissals based on trade union activities and in which the CFA also asked the Government to carry out an inquiry and to inform it of the results (300th Report, November 1995).

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The Committee of Experts furthermore addressed direct requests to Paraguay in 1994 on Conventions Nos. 1, 100 and 107, and in 1995 on Conventions Nos. 29 and 119.

SPAIN

Information concerning Spain has been supplied on several occasions, most recently in 1986.

The following relevant Conventions have been ratified and are in force for Spain (for full names see the list of Conventions in Part II A above): 1, 2, 3, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 29, 30, 52, 81, 87, 88, 98, 99, 100, 101, 102 103, 105, 106, 111, 117, 120, 122, 123, 127, 129, 131, 135, 136, 138, 141, 142, 148, 151, 152, 154, 155, 156, 158, 159, 162.

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Article 6

In its 1995 (Feb.- Mar.) observation on the Forced Labour Convention (No. 29), the Committee of Experts followed up on workers' comments concerning conditions of work of prisoners, in particular the voluntary nature of work and wages.

In its 1995 (Nov.-Dec.) observation on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts noted workers' comments concerning employment discrimination against women, young persons, apprentices and persons infected with the HIV virus, and asked for the Government to comment on these allegations. It noted with interest the adoption of new legislation promoting non-discrimination on the ground of sex, but asked for clarification of the figures provided concerning women's participation in educational institutions.

In its 1995 (Nov.-Dec.) observation on the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), the Committee of Experts noted the comments of the General Union of Workers (UGT) as well as the information provided by the Government concerning the new form of employing young persons between 16 and 25 years under a contract of apprenticeship, whose wage is fixed as a percentage of the Interprofessional Minimum Wage (SMI). The Committee did not consider that such contract of apprenticeship affects the application of Article 10 of the Convention. However requested the Government to continue to include information on the practice of the apprenticeship under the Act No. 10/1994 of 19 May 1995 with regard to Article 15(1) concerning the progressive development of systems of apprenticeship.

In its 1995 (Feb.- Mar.) observation on the Employment Policy Convention, 1964 (No. 122), the Committee noted the detailed report of the Government, with which it transmitted the comments of the General Union of Workers (UGT) and its response to

these comments. The UGT regretted, in the context of high unemployment and increased precariousness, the absence of a policy for recovery and industrial and training policies which will contribute to renewing the industrial fabric and preparing young persons for occupations of which society has real need. The Committee recalled thatemployment policy, in the meaning of the Convention, is not limited to labour market policy and requested the Government to specify in its next report how the measures adopted in such fields as fiscal and monetary policies, prices, incomes and wages policies, investment policy, education and training policies, as well as policies designed to ensure balanced regional development, contribute to the achievement of the objectives set out in the Convention.

In its 1995 (Nov.-Dec.) observation on the Termination of Employment Convention, 1982 (158), the Committee of Experts noted the observations made by the CC.OO. and the UGT which contain allegations concerning the non-compliance of the national legislation (the new texts of the Workers' Charter and the Labour Procedure Act) with certain provisions of the Convention, as well as the Government's reply. The Committee observed that sections 55 and 56 of the Workers' Charter and sections 103 to 113 of the Labour Procedure Act are not in complete conformity with Article 7 of the Convention, in as much as the safeguard provided by this Article must be available irrespective of the referral of the matter to the conciliator or to the competent court. The Committee expressed the firm hope that Government will take appropriate measures in the near future to ensure full compliance of the national legislation and practice with the Convention on this point.

Article 7

In its 1995 (Feb.-Mar.) observation on the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts noted with satisfaction the amendment of the 1980 Workers' Charter to reflect the concept of "work of equal value" contained in the Convention.

In its 1993 observation on the Minimum Wage Fixing Convention, 1970 (No. 131), the Committee of Experts noted the information supplied by the Government, and in particular, the observations made by the General Union of Workers (UGT) concerning: (1) consultations before fixing the Interprofessional Minimum Wage (SMI) and the periodicity of the adjustment of the SMI; and (2) the differentiation between the minimum wage rates for workers of 18 years and over and for those of less than 18 years. The Committee recalled that the Convention does not specify the frequency of wage adjustment. It, however, asked the Government to state whether the employers' and workers' organizations are consulted before this adjustment. The Committee also requested the Government to indicate concrete measures taken or contemplated to ensure that workers of less than 18 years of age can receive equal wages if they perform work equal to that of the adults.

In its 1992 observation on the Benzene Convention, 1971 (No. 136), the Committee of Experts noted the comments and statistics provided by the Trade Union Confederation

of Workers' Commissions (CC.OO.), which indicated that workers in the explosives, rubber, tanning, footwear, refining and distillation, dyeing, printing and production of DDT industries had suffered from variety of occupational diseases which, although not exclusively linked to benzene exposure, could result from an exposure to benzene or exposure to a number of substances, including benzene. The Committee requested the Government to provide information: (1) on the measures taken to ensure that, whenever harmless or less harmful substitute products are available, they shall be used instead of benzene or products containing benzene, in accordance with the Convention; and (2) on any efforts made by the labour inspectorate to investigate the possible use of benzene in black market enterprises and to ensure, by means of sanctions or otherwise, that pregnant and nursing mothers are not employed in any work process involving the use of benzene.

In its 1995 (Feb.-Mar.) observation on the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), the Committee of Experts took note of the Government's reply to the comments made by the Trade Union Confederation of Workers' Committees (CC.OO.) concerning the absence of provisions in the national legislation prohibiting the employment of persons under 18 years of age as operators of cargo-handling appliances in ports, in accordance with the Convention.

In its 1995 (Nov.- Dec.) observation on the Occupational Safety and Health Convention, 1981 (No. 155), the Committee of Experts noted the comments made by the Workers' Labour Union (USO) , and the Government's reply, concerning non-application to cleaning workers of the hygiene measures required by the Community Standard regarding all staff of the regional hospital centre of Asturias. The Committee hoped that effective measures will be adopted for the purpose of preventing contamination of the cleaning staff and requested the Government to supply information on any progress made in this matter.

In its 1994 observation on the Asbestos Convention, 1986 (No. 162), the Committee of Experts noted that the tripartite Monitoring Commission for the Application of the Asbestos Regulations created by resolution of 11 February 1985 has among its functions to collaborate with the competent authority, upon its request, concerning the practical application of the asbestos regulations in all of the enterprises concerned and to propose amendments to the regulatory texts. The Committee requested the Government to continue to supply information on the measures taken to ensure that enforcement of the relevant laws and regulations is secured by an adequate and appropriate system of inspection and by appropriate penalties in accordance with the Convention.

Article 8

In its 1995 (Nov.-Dec.) observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts expressed the hope that the Bill in relation to strikes and collective disputes, currently before Parliament, will fully respect the principles of freedom of association in relation to minimum services.

In addition, at its November 1995 meeting, the Committee on Freedom of Association of the Governing Body (CFA) considered Case No. 1815, presented by the Confederation of Independent Trade Unions and Civil Servants' Unions (CSI-CSIF) in late 1994 over violations of the right to collective bargaining. It decided to transmit the Government's reply to the complainant for comment.

In its 1995 observation on the Labour Relations (Public Service) Convention, 1978 (No. 151), the Committee of Experts noted the information supplied by the Government on the possibilities for collective bargaining available to civilian personnel engaged in the armed forces under private work contracts, and asked for copies of any collective agreements concluded by such public employees in the service of the Military Administration.

Article 9

In its 1995 (Nov.-Dec.) observation on the Sickness Insurance (Industry), 1927 (No. 24), the Committee of Experts noted the comments of the General Union of Workers (UGT) - as well as the Government's reply - concerning section 3, paragraph 2(g) of Act No. 10 of 19 May 1994, which, according to the UGH, deprives apprentices of the right to sickness benefit. The Committee of Experts recalled that Convention No. 24 expressly includes apprentices in its scope for sickness insurance in commercial and industrial enterprises, except those exceptions specified by the Convention. It therefore requested the Government to re-examine this question and to indicate the measures taken to give full effect to the Convention concerning cash sickness benefit.

In its 1995 (Nov.-Dec.) observation on the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Committee of Experts took note of the comments made by the General Union of Workers (UGT) on the application of Conventions Nos. 102 and 24. The Committee considered that the modification introduced by the Royal Legislative Decree No. 5/1992 (concerning urgent budgetary measures respecting the cash benefits in case of temporary incapacity to work due to sickness or injury not occupational in origin) appears to be permitted under Article 69(c) of the Convention No. 102. However, the Committee recalled that in such cases the Government shall continue to assume general responsibility concerning the due provision of sickness benefits and must take all measures required for this purpose, in conformity with the Convention.

Article 10

In its 1994 observation on the Maternity Protection (Revised) Convention, 1952 (No. 103), the Committee of Experts examined the communications of the General Union of Workers (UGT) and the Trade Union Confederation of the Workers' Commissions (CC.OO) in the light of comments and information supplied by the Government. The Committee requested the Government to provide information: (a) on the manner in which

Decree No. 1575 of 1993 has contributed to the observance of the principle of freedom of choice of doctor and freedom of choice between a public and private hospital, as required

by the Convention; (b) on the measures taken to ensure that protection provided by the Convention cannot be ignored in the case of domestic servants; and (c) on the manner in which it intends to give full effect to the Article 4, paragraph 8 of the Convention which stipulates that "in no case shall the employer be individually liable for the cost of such benefits due to women employed by him".

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The Committee of Experts furthermore addressed direct requests to Spain in 1992 on Conventions Nos. 123 and 136, in 1993 on Conventions Nos. 120, and 142, in 1994 on Conventions Nos. 103, 127, 138, 156 and 159, and in 1995 on Conventions Nos. 88, 100 and 106.

ANNEX

Index of countries and of relevant information supplied by the ILO since 1978

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Afghanistan	E/1986/60 E/1989/6 E/1990/9 E/1991/4	-
Argentina	E/1995/5	E/1995/5
Australia	E/1979/33 E/1985/63	E/1981/41 E/1986/60
Austria	E/1988/6 E/1994/5	E/1981/41 E/1987/59
Barbados	E/1982/41	E/1982/41
Belgium	E/1994/63	E/1994/63
Bulgaria	E/1980/35 E/1985/63	E/1983/40 E/1988/6
Belarus, Republic of	E/1979/33 E/1985/63	E/1981/41 E/1987/59
Cameroon	-	E/1988/6
Canada	E/1982/41 E/1988/6 E/1989/6	E/1994/5
Chile	E/1979/33 E/1985/63	E/1981/41 E/1988/6
Colombia	E/1979/33 E/1985/63	E/1990/9
Costa Rica	E/1990/9 E/1991/4	E/1990/9

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Cyprus	E/1979/33 E/1985/63	E/1981/41 E/1986/60 E/1989/6
Czech and Slovak Federal Republic	E/1979/33 E/1986/60	E/1981/41 E/1987/59
Denmark	E/1979/33 E/1985/63	E/1981/41 E/1987/59
Dominican Republic	E/1990/9 E/1991/4	E/1990/9 E/1991/4
Ecuador	E/1978/27 E/1985/63	E/1990/90 E/1991/4
Finland	E/1979/33 E/1985/63	E/1981/41 E/1986/60
France	E/1986/60	E/1989/6
German Democratic Republic	E/1978/27 E/1985/63	E/1981/41 E/1987/59
Germany, Federal Republic of	E/1979/33 E/1986/60	E/1981/41 E/1987/59
Hungary	E/1978/27 E/1985/63	E/1986/60
Iceland	E/1994/5	-
India	E/1986/60	-
Iran, Islamic Republic of	E/1978/27	E/1994/5
Iraq	E/1985/63	E/1981/41 E/1986/60
Italy	E/1982/41	-

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Jamaica	E/1980/35 E/1989/6	E/1989/6
Japan	E/1985/63	E/1987/59
Jordan	E/1987/59	E/1987/59
Kenya	E/1994/63	E/1994/63
Luxembourg	E/1990/9	E/1990/9
Madagascar	E/1981/41 E/1985/63	E/1986/60
Mexico	E/1985/63 E/1994/5	E/1990/9 E/1994/5
Mongolia	E/1978/27 E/1985/63	E/1981/41 E/1987/59
Morocco	E/1994/63	E/1994/63
Netherlands	E/1989/6	E/1989/6
Netherlands (Antilles)	E/1987/59	-
New Zealand	E/1994/5	-
Nicaragua	E/1986/60	E/1994/5
Norway	E/1979/33 E/1985/63	E/1981/41 E/1988/6
Panama	E/1988/6 E/1989/6 E/1990/9 E/1991/4 E/1992/4	E/1981/41 E/1988/6 E/1989/6 E/1991/4
Peru	E/1985/63	-
Philippines	E/1978/27 E/1985/63	-

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Poland	E/1979/33 E/1986/60	E/1981/41 E/1987/59 E/1989/6
Romania	E/1979/33 E/1985/63	E/1981/41 E/1988/6
Rwanda	E/1985/63 E/1989/6	E/1986/60
Senegal	E/1994/5	E/1981/41
Spain	E/1980/35 E/1985/63	E/1982/41 E/1986/60
Suriname	E/1995/5	E/1995/5
Sweden	E/1978/27 E/1985/63	E/1981/41 E/1987/59
Syrian Arab Republic	E/1980/35 E/1990/9 E/1992/4	E/1981/41 E/1990/9
Tanzania	-	E/1981/41
Trinidad and Tobago	E/1989/6	E/1989/6
Tunisia	E/1978/27	E/1988/6 E/1989/6
Ukrainian SSR	E/1979/33 E/1985/63	E/1982/41 E/1986/60
United Kingdom	E/1978/27 E/1985/63	E/1981/41 E/1991/4 E/1995/5
United Kingdom (Non-metropolitan territories)	E/1979/33	E/1982/41 E/1985/63

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)
Uruguay	E/1994/5 E/1994/63	E/1994/63
USSR	E/1979/33 E/1985/63	E/1981/41 E/1987/59
Venezuela	E/1985/63	E/1986/60
Vietnam	E/1994/5	-
Yemen	E/1990/9 E/1991/4	E/1990/9 E/1991/4
Yugoslavia	E/1983/40 E/1985/63	E/1983/40
Zaire	E/1988/6	E/1988/6
Zambia	-	E/1986/60